IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 332 of 2005

Between:

Gunupudi Seetha Rama Sastry, s/o late Sri G.Subba Rao,
now r/o H.No.23-1-207/2 (527), Old Nallakunta, Hyderabad-44.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Jangareddygudem, W.G.District.
2 The Mandal Revenue Officer, Koyyalagudem, West Godavari

District.
3 Burri Babu Rao, s/o late Chandrayya,
r/o Mangapathidevipeta (V), Koyyalagudem (M),

West Godavari District.
4 Tele Ramulu, s/o Kovvadayya,
r/o Mangapathidevipeta Village, Koyyalagudem Mandal,

West Godavari district.
5 M.Gopala Rao,
r/o Dippakayalapadu Village, Koyyalagudem Mandal, W.G.District.
6 N.Joga Rao,
r/o Mangapathidevipeta Village, Koyyalagudem Mandal,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for all the connected records in Roc.No.17/2001 dt.6-8-2001 including the Register of Assignments of the year 1975 pertaining to the land in Sy.No.270/1 extent Ac.3.00 of Mangapathidevipeta Village of Koyyalagudem Mandal from the 2nd respondent herein and set-aside the impugned order dt.6-8-2001 as illegal, arbitrary, mala fide, highly improper, unjust and tainted with prejudice on account of filing of writ petition and Contempt Case No.818/01 and consequently direct the respondents herein not to interfere with the title, possession and

enjoyment of the petitioner over the land in Sy.No.270/1 Ac.3.00 of Mangapathidevipeta Village of Koyyalagudem Mandal and to issue Pattadar Pass Books in favour of the petitioner and pass such other order or orders.

Counsel for the Petitioner: MR.GOPALA KRISHNA KALANIDHI

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 to 6: --

The Court at the admission stage made the following:

ORDER:

The petitioner states that his mother was assigned an extent of Ac.3.00 cents of land in Sy.No. 270/1 situate at Mangapathidevipeta village, Koyyalagudem Mandalam, West Godavari District, by then Tahsildar, Polavaram, and was also granted B3 patta in I.D. No. 142/84, dated 31-7-1975, and since then she has been in cultivation of the same. Before her death in 1998, the petitioner states that his mother executed a Will on 14-8-1995 bequeathing the land in question in his favour. On the basis of the said Will, the petitioner states that he made several representations to respondent No.2-Mandal Revenue Officer, Koyyalagudem, West Godavari District to grant pattedar pass book in his favour, and when there was no response, he filed W.P.

No. 18502 of 2000, which by order dated 28-9-2000 was disposed of directing respondent No.2 to consider the claim of the petitioner in accordance with law within a period of three months. The petitioner states that when the said order was not complied with, he filed contempt case in C.C. No. 818 of 2001, and during the pendency thereof, respondent No.2 in compliance of the orders dated 28-9-2000 passed in W.P. No. 18502 of 2000, issued proceedings dated 6-8-2001, rejecting the claim of the petitioner for grant of pattadar pass book. Aggrieved thereby, the petitioner states that he preferred an appeal before respondent No.1-Revenue Divisional Officer, Jangareddygudem, West Godavari District on 27-8-2001, and when no orders were passed thereon, he filed W.P. No. 23295 of 2002, which by order dated

21-11-2002 was disposed of directing respondent No.1 to consider and dispose of the appeal. As the said order was not complied with, he filed a contempt case in C.C. No. 804 of 2004, which by order dated

30-7-2004 was dismissed as having been barred by time. The petitioner states though there is direction by this Court in W.P. No. 23295 of 2002 directing respondent No.1 to dispose of the appeal, the same has not been disposed of till

today, and pending disposal thereof and without passing any orders thereon, respondents are attempting to dispossess him from the land in question. It is his case that no notice whatsoever was issued to him while conducting enquiry for considering his case for grant of pattadar pass book by respondent No.2 and that the columns in the adangas were manipulated to show that as if the petitioner was not in possession of the lands, and as such, the order dated 6-8-2001, passed by respondent No.2 holding that it is not possible to issue pattadar pass book to him in respect of the land in question, cannot be sustained, and while praying to quash the same, he seeks a direction to the respondents not to interfere with his peaceful possession and enjoyment of the land in question, and consequently direct them to issue pattedar pass book in respect thereof.

Admittedly, the request of the petitioner for grant of pattadar pass book in respect of the land in question, was refused by respondent No.2 vide his orders dated 6-8-2001, wherein it is inter alia observed as follows:

The physical possession and enjoyment of the land Ac.3-00 in R.S. No. 270/1 of Mangapathidevipeta, Koyyalagudem (M) has been inspected and enquired (from God) on ground that one Sri. Burri Babu Rao, son of late Chandrayya and Sri Tele Ramulu, son of Kovvadayya of Mangapathidevipeta village, are in possession and enjoyment of the land, having raised cashew nut trees since more than 15 years, that the petitioner in this case has not filed any claim in Form-I together with documentary evidence supporting his claim, that the names of the petitioner or petitioner's mother who are said to be the land assignees are not reflected in the village records to establish the fact of their possession and enjoyment of the said land in any year, that the land in R.S. No. 270/1 Ac.3-00 is recorded as "Assessed Waste Dry" (Government Poramboke Land) in the village accounts, hence it is not possible to issue pattadar pass books to the petitioner in this case to the land Ac.3-00 in R.S. No. 270/1 of Mangapathidevipeta (v) of Koyyalagudem Mandal.

A reading of the above would disclose that in the inspection and enquiry conducted by respondent No.2, he found that one Sri. Burri Babu Rao and one Sri. Tele Ramulu are in possession of the land in question, and that nowhere in the revenue records, the name of the petitioner or his mother are found and that the petitioner had not filed claim in Form-I along with documentary evidence, and in those circumstances, he came to the conclusion that it is not possible to grant pattedar pass book to the petitioner.

Whatever be the findings of respondent No.2, and though the petitioner contends that he was not given any opportunity by respondent No.2 while considering his request for grant of pattedar pass book, and that the revenue records were manipulated as if to give an impression that he is not in possession of the land, the fact remains is, he has already filed appeal before respondent No.1, and he also obtained direction from this Court in W.P. No. 23295 of 2002 for its disposal, and he also filed contempt case for its non-compliance, which was dismissed as having

been time barred. If pending appeal, the respondents are taking steps to dispossess him, it is for the petitioner to bring the same to the notice of respondent No.1, and certainly, no relief as prayed for by him to set aside the order dated 27-8-2001 passed by respondent No.2, which is subject-matter of appeal before respondent No.1, and consequently to direct the respondents to grant pattedar pass book to the petitioner can be granted, and more so when findings have been recorded by respondent No.1 in his order that the petitioner is not in possession of the land in question and that even the revenue records do not disclose their possession. If the petitioner is having any title or documentary proof to show that the land in question, in fact, was assigned to his mother and that their names are still recorded in the revenue records, and that he is still in possession of the same, it is always open for them to substantiate the same before respondent No.1 in the appeal.

In that view of the matter, there is no merit in the writ petition, and the same is accordingly dismissed.

Dated: 24.01.2005

Dsr/Tvk

ASSISTANT REGISTRAR

To:

1 The Revenue Divisional Officer, Jangareddygudem, W.G.District.
2 The Mandal Revenue Officer, Koyyalagudem, West Godavari District.
3 Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

4 Two CD copies

*Form-NIC-OGS/WP{**RS**}*